

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

2012 JUN -1 PM 4:11

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

AFC SOUTH, INC., d/b/a
ROCK HARBOR MARINE

Plaintiff,

v.

THE TRAVELERS INSURANCE
COMPANIES, THE CHARTER OAK
FIRE INSURANCE COMPANY, ST.
PAUL FIRE & MARINE INSURANCE
and ANCHOR INSURANCE AGENCY,
INC.

Defendants.

Civil Action No. _____
Jury Demand

PETITION FOR REMOVAL

PLEASE TAKE NOTICE that Defendants, the Charter Oak Fire Insurance Company, St. Paul Fire & Marine Insurance, and the entity incorrectly named as "the Travelers Insurance Companies", hereby remove this case to the United States District Court for the Middle District of Tennessee, Nashville Division, pursuant to 28 U.S.C. §§. 1441 and 1446. The grounds for the removal are as follows:

1. Plaintiff filed the above-styled action on April 27, 2012 against the Charter Oak Fire Insurance Company, St. Paul Fire & Marine Insurance, and the entity incorrectly named as "the Travelers Insurance Companies", in the Circuit Court of Davidson County, Tennessee in Nashville, Tennessee. The suit is styled: *AFC South, Inc. d/b/a Rock Harbor Marine v. The Travelers Insurance Companies, The Charter Oak Fire Insurance Company, St. Paul Fire & Marine Insurance, and Anchor Insurance*

Agency, Inc., docket number 12C1740 A true and correct copy of the pleading is attached hereto as Exhibit A.

2. The suit was served on these Defendants on May 2, 2012.

3. Other than the filing of the Complaint, no proceedings have taken place in this matter. These Defendants remove this action to the United States District Court for the Middle District of Tennessee, Nashville Division pursuant to the provisions of 28 U.S.C. § 1441 on the grounds that this Court has jurisdiction pursuant to 28 U.S.C. §§ 1332 and 1333.

4. Plaintiff, AFC South, Inc. d/b/a Rock Harbor Marine, alleges in the Complaint that it is a Tennessee corporation that does business as Rock Harbor Marine at 525 Basswood Drive, Nashville, Tennessee 37209.

5. The Charter Oak Fire Insurance Company, St. Paul Fire & Marine Insurance, and the entity incorrectly named as “the Travelers Insurance Companies”, are correctly alleged in the Complaint to be foreign corporations engaged in the sale and issuance of insurance in Tennessee. They are Connecticut insurance companies.

6. Defendant Anchor Insurance Agency, Inc. is a Kentucky corporation with its principal place of business at 12211 Old Shelbyville Road, Louisville, Kentucky 40243. Defendant Anchor Insurance Agency, Inc., by and through its counsel of record, has consented to removal of this case to the United States District Court for the Middle District of Tennessee, Nashville Division.

7. This dispute is between persons of different states and the amount in dispute, based upon allegations as made, is in excess of \$75,000.00, exclusive of costs

and interest; therefore, it also meets the jurisdictional requirements of this Court pursuant to the provisions of 28 U.S.C. § 1332(a).

8. Moreover, this Court has jurisdiction pursuant to 28 U.S.C. § 1333 (1) because it involves a dispute over a maritime insurance contract focusing on maritime commerce.

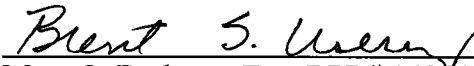
9. Venue is correct herein because Plaintiffs' action is pending in Nashville, Davidson County, Tennessee.

10. Counsel for these Defendants has served on counsel for Plaintiff and Counsel for Defendant Anchor Insurance Agency, Inc. a copy of this Petition for Removal. A Copy of the Petition for Removal will have been filed in the Davidson County Circuit Court by these Defendants within 30 days of service of the Complaint on Defendants.

WHEREFORE, please take notice that Defendants, the Charter Oak Fire Insurance Company, St. Paul Fire & Marine Insurance, and the entity incorrectly named as "the Travelers Insurance Companies", removes the state action styled *AFC South, Inc. d/b/a Rock Harbor Marine v. The Travelers Insurance Companies, The Charter Oak Fire Insurance Company, St. Paul Fire & Marine Insurance, and Anchor Insurance Agency, Inc.*, docket number 12C1740 from the Circuit Court of Davidson County at Nashville, Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee on this the 1st day of June 2012.

Respectfully submitted,

SPICER RUDSTROM PLLC



Marc O. Dedman, Esq. BPR# 14044

Brent S. Usery, Esq. BPR# 25737

Bank of America Tower

414 Union Street, Suite 1700

Nashville, Tennessee 37219-1823

(615) 259-9080 telephone

(615) 259-1522 facsimile

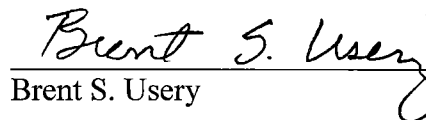
Attorneys for the Charter Oak Fire Insurance Company, St. Paul Fire & Marine Insurance, and the entity incorrectly named as "the Travelers Insurance Companies"

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent via United States mail, postage prepaid, properly addressed and via fax to:

Aubrey Harwell, Esq.
Ronald G. Harris, Esq.
Neal & Harwell, PLC
2000 One Nashville Place
150 Fourth Avenue, North
Nashville, TN 37219

this 1st day of June 2012.


Brent S. Usery